

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY BRUSSELS IMMEDIATE

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E.O. 11652: N/A

TAGS: EAIR

SUBJECT: CIVAIR: US-BELGIUM AIR TRANSPORT NEGOTIATIONS

FOLLOWING MEMORANDUM OF CONSULTATIONS WAS SIGNED ON OCT 18
FOLLOWING TWO DAYS OF TALKS:

BEGIN TEXT DELEGATIONS REPRESENTING THE GOVERNMENT OF THE
UNITED STATES OF AMERICA AND THE GOVERNMENT OF BELGIUM
MET IN WASHINGTON, D. C. ON OCTOBER 17 AND 18, 1977 TO
DISCUSS MUTUAL CIVIL AVIATION ISSUES. DELEGATION LISTS
ARE ATTACHED. THE DELEGATIONS AGREED ON AN AD REFERENDUM
BASIS TO THE FOLLOWING:

1. ROUTES. A) ROUTE TO BE SERVED BY THE AIR CARRIERS OF
BELGIUM IN THE ROUTE SCHEDULE OF THE US-BELGIUM AIR TRANS-
PORT SERVICES AGREEMENT OF 1946 IS AMENDED TO ADD A NEW
ROUTE AS FOLLOWS: BELGIUM TO THE COTERMINALS NEW YORK AND
ATLANTA IN BOTH DIRECTIONS. B) THE BELGIAN DELEGATION
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STATED ITS STRONG INTEREST IN BLIND SECTOR RIGHTS BETWEEN
ATLANTA AND MEXICO CITY. THE UNITED STATES DELEGATION
EXPRESSED ITS WILLINGNESS TO ENTER INTO DISCUSSIONS ON THIS
MATTER IN THE NEAR FUTURE.

2. AD-HOC AGREEMENT ON SUPER APEX FARES. BOTH GOVERNMENTS
ARE COMMITTED TO AN INTERNATIONAL AVIATION POLICY WHICH

FEATURES LOW FARE, COMPETITIVE INTERNATIONAL AIR SERVICES. AT THE SAME TIME, THEY BELIEVE THAT THE NEW SUPER-APEX FARES MUST BE REGARDED AS EXPERIMENTAL IN NATURE BECAUSE THEIR EFFECT ON THE COMPETITIVE STRUCTURE OF NORTH ATLANTIC PASSENGER RATES IS AS YET UNCLEAR. HOWEVER, THE POSSIBILITY EXISTS THAT THESE EXPERIMENTAL FARES, ONCE INTRODUCED, COULD BECOME PERMANENT EVEN THOUGH THEY MIGHT LATER PROVE TO HAVE A DISRUPTIVE EFFECT ON THE MARKET. THIS IS DUE TO THE FACT THAT THE PROVISIONS OF SECTION 5H OF THE ANNEX TO THE US-BELGIUM AGREEMENT OF 1946 DO NOT EASILY PERMIT THE SUSPENSION OF EXISTING FARES.

IN VIEW OF THIS POSSIBILITY, NEITHER GOVERNMENT WILL, WITH REGARD TO SUPER-APEX FARES WHICH MAY BE FILED FOR EFFECTIVENESS DURING THE 1978 SUMMER TRAFFIC SEASON, APPLY THE PROVISIONS OF THE US-BELGIUM AIR SERVICE AGREEMENT TO MAINTAIN IN EXISTENCE ANY NEW SUPER-APEX FARES WHICH MAY HAVE BEEN APPROVED FOR THE 1977-78 WINTER SEASON IF THE OTHER GOVERNMENT HAS DISAPPROVED A SIMILAR SUMMER FARE FILING. MOREOVER, DURING THE 1977-78 WINTER SEASON EITHER GOVERNMENT MAY TAKE ACTION TO PREVENT THE CONTINUATION OF SUCH FARES ON OR BEFORE THEIR RESPECTIVE DATES OF EXPIRATION, PROVIDED THAT IT NOTIFIES THE OTHER GOVERNMENT SIX WEEKS IN ADVANCE OF ITS INTENT TO TAKE SUCH ACTION AND AGREES TO CONSULT WITH THE OTHER GOVERNMENT IF CONSULTATIONS ARE REQUESTED.

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THE GOVERNMENTS AGREE THAT ANY ACTION TAKEN UNDER THIS ARRANGEMENT SHALL NOT DISCRIMINATE AMONG THE CARRIERS OF THE CONTRACTING PARTIES AND OTHER CARRIERS.

3. FARES AND RATES. BOTH GOVERNMENTS ARE COMMITTED TO EXPANDING PASSENGER AND CARGO AIR TRANSPORTATION OPPORTUNITIES BETWEEN THE TWO COUNTRIES. ONE OF THE MOST EFFECTIVE WAYS OF ACHIEVING THIS COULD BE BY IMPLEMENTING INNOVATIVE LOW-FARE SERVICES (SCHEDULED AND CHARTER), WHICH ARE BENEFICIAL TO TRAVELERS AND SHIPPERS. THE GOVERNMENTS WILL ENCOURAGE AIRLINES TO EXPLORE, PROPOSE AND IMPLEMENT THE LOWEST POSSIBLE LEVEL OF FARES AND RATES TAKING INTO ACCOUNT THE NEED TO IMPROVE THE PROSPERITY OF THE INTERNATIONAL AVIATION INDUSTRY, WHETHER SUCH FARES OR RATES ARE FILED BY THE AIRLINES INDIVIDUALLY OR THROUGH A RECOGNIZED TRAFFIC CONFERENCE.

4. CHARTER REGIME. THE MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES OF AMERICA AND BELGIUM SIGNED IN BRUSSELS ON OCTOBER 17, 1972, AND RENEWED ON

JUNE 23, 1977, SHALL REMAIN IN FORCE AS LONG AS THE
AGREEMENT ON AIR TRANSPORT SERVICES SIGNED IN BRUSSELS
APRIL 5, 1946, REMAINS IN FORCE.

FURTHERMORE, IT IS AGREED THAT NEITHER GOVERNMENT WILL
REGULATE THE PRICES CHARGED BY CHARTERERS TO THE PUBLIC
FOR CHARTER MOVEMENTS ORIGINATING IN THE TERRITORY OF THE
OTHER.

5. ALL-CARGO CHARTERS. THE GOVERNMENTS OF THE UNITED
STATES AND BELGIUM ARE COMMITTED TO A POLICY OF LIBERAL
CARGO CHARTER OPERATIONS. THE TWO GOVERNMENTS HAVE
FREELY PERMITTED CARGO CHARTERS AND NO SIGNIFICANT
PROBLEMS HAVE OCCURRED IN THE OPERATION OF ALL-CARGO
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CHARTERS.

THE TWO GOVERNMENTS INTEND TO CONTINUE THESE POLICIES
AND WILL MEET IN THE NEAR FUTURE WITH A VIEW TOWARDS
DISCUSSING THE INCORPORATION OF ALL-CARGO CHARTERS
WITHIN THE AMENDED CHARTER AGREEMENT.

6. EFFECTIVENESS. THE AD REFERENDUM AGREEMENTS RECORDED
IN ITEMS 1A, 2, 3 AND 4 IN THIS MEMORANDUM OF CONSULTATION
WILL BECOME EFFECTIVE UPON AN EXCHANGE OF DIPLOMATIC NOTES.

JOEL W. BILLER, CHAIRMAN, UNITED STATES DELEGATION
EDUARD GRANDRY, CHAIRMAN, BELGIAN DELEGATION
OCTOBER 18, 1977, WASHINGTON, D. C. END TEXT

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